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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,002	12/20/2001	Frederick Murray Burg	2001-0208	9435

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AT&T CORP.
P.O. BOX 4110
MIDDLETOWN, NJ 07748

EXAMINER

AILES, BENJAMIN A

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,002

Applicant(s)

BURG, FREDERICK MURRAY

Examiner

Benjamin A Ailes

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-14 have been examined.
2. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Drawings

3. The drawings received on 04/14/2002 are acceptable for examination proceedings.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Okumura et al. (U.S. 5,293,250), hereinafter referred to as Okumura et al.
6. Regarding claim 1, Okumura et al. disclose a method for providing independent message notification to a message recipient at the request of the sender, comprising the steps of:
 - Receiving in a communications network the message from the sender (col. 2, lines 24-31);
 - Determining whether the sender requested that the message recipient receive independent notification of the message (col. 2, lines 31-39); and if so, then

- Establishing an identifier for the recipient (col. 2, lines 31-39); and
- Launching an independent notification to the message recipient identified by the identifier (col. 2, lines 39-44).

7. Regarding claim 2, in accordance with claim 1, Okumura et al. disclose the method wherein the independent notification includes a telephone call to the recipient (col 6, lines 29-47).

8. Regarding claim 3, in accordance with claim 2, Okumura et al. disclose the method wherein the telephone call is routed to one of a telephone set, a pager and facsimile machine associated with the message recipient (Fig. 11 and col. 6, lines 29-47).

9. Regarding claim 4, in accordance with claim 1, Okumura et al. disclose the method wherein the message launched by the sender comprises an e-mail message (col. 2, lines 24-31).

10. Regarding claim 5, in accordance with claim 4, Okumura et al. disclose the method wherein the network determines whether the sender requested independent notification by examining a recipient notification header in the e-mail message that will have a predetermined designation when the sender has requested independent notification (col. 4, lines 48-65, specifically lines 48-55).

11. Regarding claim 6, in accordance with claim 5, Okumura et al. disclose the method wherein the network establishes an identifier for the recipient by examining a recipient notification identifier header in the email message to determine if the sender

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has populated the recipient notification identifier header with information identifying the recipient (col. 4, lines 48-65, specifically lines 48-55).

12. Regarding claim 7, in accordance with claim 6, Okumura et al. disclose the method wherein the network establishes an identifier for the recipient by querying a database in accordance with a message address for the recipient (col. 4, lines 56-65).

13. Regarding claim 8, Okumura et al. disclose a method for providing voice notification to a message recipient of an incoming message, comprising the steps of:

- Receiving in a communications network the message from the sender (col. 2, lines 24-31);
- Determining whether the sender requested that the message recipient receive voice notification of the message (col. 2, lines 31-39); and if so, then
- Establishing an identifier for the recipient (col. 2, lines 31-39); and
- Launching a voice telephone call to the message recipient identified by the identifier (col. 2, lines 39-44).

14. Regarding claim 9, in accordance with claim 8, Okumura et al. disclose the method wherein the message launched by the sender comprises an e-mail message (col. 2, lines 24-31).

15. Regarding claim 10, in accordance with claim 9, Okumura et al. disclose the method wherein the network determines whether the sender requested voice notification by examining a recipient notification header in the e-mail message that will have a predetermined designation when the sender has requested voice notification (col. 4, lines 48-65, specifically lines 48-55).

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16. Regarding claim 11, in accordance with claim 10, Okumura et al. disclose the method wherein the network establishes an identifier for the recipient by examining a recipient notification identifier header in the email message to determine if the sender has populated the recipient notification identifier header with information identifying the recipient (col. 4, lines 48-65, specifically lines 48-55).

17. Regarding claim 12, in accordance with claim 11, Okumura et al. disclose the method wherein the identifier comprises a telephone number (col. 6, lines 29-47).

18. Regarding claim 13, in accordance with claim 10, Okumura et al. disclose the method wherein the network establishes an identifier for the recipient by querying a database in accordance with a message address for the recipient (col. 4, lines 56-65).

19. Regarding claim 14, in accordance with claim 13, Okumura et al. disclose the method wherein the identifier comprises a telephone number (col. 6, lines 29-47).

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Vazana (U.S. 5,850,519) discloses a computerized mail notification system and method which detects calls from a mail server.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes, whose telephone number is (571)272-3899. The examiner can normally be reached on Monday-Friday (7:30-5).

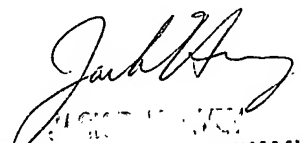
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached at (571)272-3896. The fax phone number for the organization where this application or proceeding is assigned is (703)872-3906.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [benjamin.ailles@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Benjamin Ailes
Patent Examiner
Art Unit 2142


SUPERVISOR
EXAMINER